

MINUTES
TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES
REGULAR COUNCIL MEETING
Thursday, July 20, 2006
3:30 p.m.

PRESENT: Thomas W. Cadden, Mayor
David J. Becker, Vice Mayor
Frances F. Atchison, Councilmember
E. William Kenyon, Councilman
William H. Ahrens, Councilman

STAFF PRESENT: Robert J. Bradshaw, Town Manager
Laura Aldrich, Town Clerk
Chester Clem, Town Attorney
Bill Schauman, Director of Public Safety
Robbie Stabe, Lt., Public Safety Department
Richard Jefferson, Building Official

1. **Call to Order.** Mayor Cadden called the meeting to order at 3:30 p.m.
 - a. Pledge of Allegiance
 - b. Invocation – Councilman Kenyon
 - c. Roll Call
2. **Consent Agenda.**
 - a. Acceptance of Planning, Zoning & Variance Board Minutes of June 12, 2006
 - b. Approval of Regular Town Council Meeting Minutes of June 22, 2006

A motion to approve the consent agenda as presented was made by Councilmember Becker and seconded by Councilmember Atchison. There being no comments, the Mayor called for a voice vote, which was unanimously approved.
3. **Mayor's Items**

None
4. **Planning, Zoning and Variance Board**

Mr. Jefferson said there was nothing brought forward for discussion or approval.
5. **Town Attorney**

Mayor Cadden said that they believe that there are now two corrected ordinances for first reading, and acquiesced to Mr. Clem.

 - a. First Reading of Ordinance 485, Amending the Defined Benefit and Pension Plans and Adopting a New Defined Benefit Pension Plan

Mr. Clem continued by reading the first ordinance by title as follows:

ORDINANCE NO. 485

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF INDIAN
RIVER SHORES, FLORIDA AMENDING THE RETIREMENT PLAN
AND TRUST FOR THE GENERAL EMPLOYEES AND PUBLIC SAFETY**

NOTE: The Town of Indian River Shores does not keep verbatim minutes as a matter of record. If a person decides to appeal any decision made by the Town of Indian River Shores Town Council with respect to any matter considered at this meeting, he or she will need to make a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. See Florida Statute 286-0105.

OFFICERS OF THE TOWN OF INDIAN RIVER SHORES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Clem said that this ordinance was drafted by the staff that is presently administering the trust fund to bring the Town into compliance with Chapters 175 and 185, which will be referred to in the next ordinance (number 486). This allows the Town to receive some casualty tax funds under the Florida Statutes Chapter 175, and also under Chapter 185 some of the property tax that has been collected in Indian River Shores. This has not been taken advantage of prior to now. With the Council's approval, staff is asking for adoption of the first reading today. Any questions that arise can be answered prior to the second reading, Mr. Clem concluded. Councilman Kenyon made a **motion to adopt the first reading of Ordinance 485, which was seconded by Councilmember Atchison**. Following roll call vote, **the motion passed unanimously**.

- b. First Reading of Ordinance 486, Levying & Imposing Tax from Property & Casualty Insurance Premiums

Mr. Clem continued by stating that the second ordinance tracks the first, and read it in title as follows:

ORDINANCE NO. 486

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES LEVYING AND IMPOSING UPON ALL PROPERTY AND CASUALTY INSURERS, AN ADDITIONAL EXCISE OR LICENSE TAX ON ALL PREMIUMS COLLECTED FROM PROPERTY AND CASUALTY INSURANCE POLICIES INSURING PROPERTY WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF INDIAN RIVER SHORES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

He said that as outlined in this ordinance, the first "Whereas" addresses the police officer's retirement under Chapter 185 and the next paragraph talks about the firefighter's pension trust fund under 175. Section 1 allows the Town to get the taxes that have been collected from the residents of the Town and have been going to the general fund of the State, and now will be coming back to the Town. In Section 2 the police fund and the levy of a 1.85 tax on property taxes that are raised here will go to the Town rather than the State's general fund. Councilmember Kenyon clarified that we could use either of these options independently, the 175 or 185, if we are unable to qualify for one or the other. Mr. Clem agreed that hopefully the Town can use both, but there seems to be no doubt that the Town could qualify for the 185 plan. We do need to do the structure adjustments in order to do one or both of the plans, and Councilmember Kenyon received confirmation that this ordinance applies either way. Councilman Kenyon made a **motion to adopt the first reading of Ordinance 486**, seconded by Councilman Becker. **The motion passed unanimously** by roll call vote.

6. **Town Manager**

- a. Town Hall Addition Bid Selection Recommendation

Mr. Bradshaw referred the Council to their packet, which showed the eight contractors bids on the building addition. The low bid was \$91,700, and as is outlined in the memo, additional costs not included in the bid for flooring, trim and site preparation lead to a request for approval of not-to-exceed \$110,000. He asked the Council for a **motion to**

approve the selection of Carl Brobst Construction, Inc. in an amount not-to-exceed \$110,000, which was made by Councilmember Kenyon and seconded by Councilmember Atchison. Mayor Cadden began the discussion by asking Mr. Jefferson if he was comfortable with the large variance in the quotes, and Mr. Jefferson said that this was the initial figure he thought would come through. Mr. Brobst did the repair construction after the storm and for mold remediation, and we had no problems with his work. Mayor Cadden asked if everybody was comfortable with the design and appearance, adding that there was no question that we really needed the space. Councilmember Atchison asked about the timing, and Mr. Bradshaw said that it would begin immediately upon approval with anticipated completion around November 1st. This includes remodeling the Town Administration area for the Post Office. Councilman Kenyon asked about Mr. Veron's architectural integrity concerns. Mr. Bradshaw said that he had met with Mr. Veron at length, and he agreed that the plans that Richard Jefferson drafted, which have been sealed by a certified engineer, are sufficient to build from. His concern was that he wanted an architect to review the final plan, but there is not much to it. Councilmember Atchison asked if there was any need for a penalty clause, and Mr. Bradshaw said that we have had no problems with him in the past when he came in for storm repairs, and he had done an excellent job. The Mayor called for a voice vote, and **the motion passed unanimously**. Councilmember Kenyon said that it was a tremendous savings that Mr. Jefferson had provided in his work on the plans, and thanked him.

Mr. Bradshaw continued that the second component of this was a request for the purchase of new Post Office boxes, shelves and equipment at a cost not-to-exceed \$25,000. Two bids included in the packet are for \$17,414 for 704 brass boxes in 2 sizes and \$15,935 for 768 aluminum boxes in 2 sizes. The current Post Office boxes belong to the Post Office, and we are not certain if we will have to return them when we close the current agreement or be able to purchase them at a discounted price. Councilman Kenyon made a **motion to approve the purchase of post office boxes and related equipment for a cost of not to exceed \$25,000**, which was seconded by Councilmember Atchison. Councilman Becker asked about the quantity, to which Mr. Jefferson replied that it was originally calculated at four times the current number of boxes, but it has been reduced to double capacity with the design allowing for future expansion to again double the number. Councilman Becker continued by asking about the amended charge for rental, and Mr. Jefferson said that when the double-capacity of boxes are rented, it will provide approximately \$89,000 in box rental income versus losing \$39,000. Councilmember Atchison asked if we were posting notification that we were restructuring the Post Office or doing a mailing, and Mr. Jefferson said that we will advertise and post notification once it is under construction. Hopefully we will have the post office open by the first of November, and we will take deposits before then. Councilman Kenyon reminded him to make sure that John's Island Property Owners Association is aware of it, and Councilman Becker received confirmation from Mr. Jefferson that there is presently a waiting list for the boxes. Mayor Cadden asked if this will still function as a post office, and Mr. Bradshaw said that it will have enhanced services. It will no longer be a Contract Unit, but we will be a Commercial Mail Receiving Agent, and will be able to offer FedEx, UPS, sell supplies – whatever we want to offer the residents. Councilman Becker said that somebody will have to come up with a business plan for that, and Mr. Bradshaw agreed, that as it grows, we want it

to be a revenue generator and another enterprise account that will be self-sufficient. Councilmember Atchison asked if Barbara (Morgan) will remain our employee, and Mr. Jefferson affirmed, adding that there shouldn't be any need for additional employees unless things really take off and it can support funding another position. She asked when we will notify the Post Office, and Mr. Jefferson said that we had to get things approved first, then we will. Councilman Ahrens asked what the relation of the existing area to the new post office is in square feet. Mr. Jefferson replied that it would be twice the size. Mayor Cadden called for the vote, with all affirming by voice vote in favor of the motion, and none opposed. **The motion passed unanimously.**

The last component of this, Mr. Bradshaw continued, is the remodeling of the Building Department and Town Treasurer's space to incorporate the post office area. He asked for permission to begin soliciting bids, and Mr. Jefferson corrected that he had received bids on this project when he was receiving bids for the building addition, and asked to use the same contractor to continue the work. Remodeling the public bathrooms to make them handicap accessible and reconfiguring the building would be done by using the Town Building Department fund to purchase the material, and then pay labor costs for installation if that is okay with the Town. Mr. Bradshaw affirmed Mr. Jefferson's statement, adding that the new structure will be the only construction out of General Fund infrastructure money. Councilman Kenyon, seconded by Councilman Becker, made a **motion to approve the remodeling of the public restrooms to make them handicap accessible and the Building Department and Treasurer's area using revenue generated by the Building Department.** The Mayor asked for a voice vote, with all indicating approval and none opposing. **The motion passed unanimously.**

b. Board and Committee Appointments

1) Finance Committee (4 Years)

- a. Rubin Skyler, Renewal as Member for Term Expiration

Motion made by Councilmember Atchison to reappoint Mr. Skyler for a 4-year term, supported by Councilman Kenyon, was **unanimously approved.**

2) Planning, Zoning & Variance Board (PZ & V) (4 Years)

- a. Nancy Raftery, Renewal as Member for Term Expiration
b. Bob Starrett, Renewal as Member for Term Expiration
c. Bill Beardslee, Jr., Renewal as Alternate for Term Expiration

Councilman Becker made a **motion**, seconded by Councilman Ahrens, **to reappoint Nancy Raftery and Bob Starrett as PZ & V Board members and Bill Beardslee as a PZ & V Board alternate for 4-year terms.** The motion **passed unanimously.**

3) Code Enforcement Board (3 Years)

- a. Appoint 2 Alternates from 3 Applicants
i. Rubin Skyler
ii. Robert Cambron
iii. Hal Glassman

Mr. Bradshaw said that these are applicants for alternates for the Code Enforcement Board, and requested appointment of Rubin Skyler and Hal Glassman. Councilman Kenyon asked what happened to the third candidate, and Mr. Bradshaw said that he has spoken with all three, and

he made an administrative judgment but will keep Mr. Cambron's name available for future appointments. Councilmen Kenyon **motioned to appoint Rubin Skyler and Hal Glassman as alternates to the Code Enforcement Board for a 3-year term**, supported by Councilmember Atchison. The motion passed by unanimous voice vote.

c. Set Tentative Millage Rate

Mr. Bradshaw said that this is the formal adoption of the tentative millage rate that was just recommended in the Budget Workshop of 1.4730, with the tentative budget amount of \$4,712,582. Councilman Kenyon, seconded by Councilman Becker, made the **motion to approve setting the tentative millage rate at 1.4730 with approval of a tentative budget of \$4,712, 582**. The motion passed unanimously.

7. **Call to Council**

a. Committee Reports.

Council of Public Officials (COPO). Councilman Kenyon said that all four of the other cities have now approved the formation of a Florida League of Cities chapter in Indian River County. In answer to the question regarding more meetings to attend, once this League is established, the COPO will cease to exist and this organization will take its place. At the Town Council meeting in May, Mr. Kenyon continued, he made a motion but did not receive a second. He added that his opinion is that it is a horrendous mistake not to join the other cities and the County in this effort. Again he put it before the Council to join this organization. Mayor Cadden asked him to wait until the August meeting to make a motion, as he will be going to the Florida League of Cities meeting in Jacksonville and will speak with Mike Sittig, the Director of the Florida League of Cities, and find out what is going on. Councilman Kenyon agreed. Mayor Cadden said that there was confusion even at the FLC regarding his position on the Board of Directors with the talk of this new group. Councilmember Becker received clarification from the Mayor that he was appointed to a FLC Board of Director's seat by the Treasure Coast Council of Local Governments. Mayor Cadden explained that it is different from a regular league in that they are made up of both municipal and county officials from four counties.

b. Metropolitan Planning Organization. Vice Mayor Becker said the minutes are available, but he has not seen them yet. He will report anything pertinent from those minutes to the Council next month.

c. Beach and Shores Preservation. Councilman Ahrens reported that he did not attend the last meeting due to his wedding, and other meetings have been postponed until August.

d. Parks and Recreation Committee. This Committee also has postponed meetings until August.

e. Land Acquisition Advisory Committee. Councilmember Atchison said that this committee has not met since the last Council meeting. She did want to compliment Public Safety Department on the monthly report that was part of the Council packet, stating that it was excellent and it looked terrific. Chief Schauman thanked her.

f. Treasure Coast Council of Local Governments. Mayor Cadden reported on the TCCLG luncheon meeting that the Council attended with him and the presentation by the four County Emergency Coordinators, remarking that St. Lucie County's Don Daniels and two had retired and now Nate McCollum has tendered his resignation. The close networking and protection that we have enjoyed through this coordination may not be so good this year. Councilmember Atchison added that the e-mail from Mr. McCollum

said that John King was disbanding the emergency e-mail program, which she thought was extremely helpful because Nate guided us step-by-step through the planning and storms. She recommended that the Town encourage the County to continue that program, stating it is a mistake to discontinue it. The entire Council agreed with her and the Mayor's statement that we are losing a real asset if Mr. McCollum leaves. Mayor Cadden directed Mr. Bradshaw to draft a letter stating that the Council would appreciate it if the e-mails and tropical updates on television could be maintained. Lt. Stabe, Indian River Shores Public Safety Department, said that this is part of the service that the Emergency Management Office provides to the entire County, and was surprised to hear that they were discontinuing this. The Public Safety Department will also send a letter, and Councilmember Atchison recommended that it be a county-wide effort encouraging that it continues. The Town Clerk said that her understanding was that the only announcements we would receive were if there was a bridge closure, an evacuation order, or something on that magnitude. It may be an interim measure until Mr. McCollum is replaced. Otherwise, John King encouraged County residents to watch the Weather Channel for updates.

Councilman Kenyon asked about the organized scheme to defraud that was addressed in his report, and Chief Schauman replied that it did impact Indian River Shores' residents in the million of dollars range. Lt. Stabe added that Detective Shawn Hoyt actually tracked the man down and he was being extradited from Utah. He was taking deposits on screened enclosure rebuilds and was not performing any of the work. Chief Schauman added that the person was also a developer in Vero Lake Estates and was taking major kickbacks from subcontractors and contractors throughout the County. Detective Hoyt did get a Letter of Commendation for this effort. Councilman Kenyon commented that it was the most interesting case that they had had in a long time.

8. **Call to Audience.** No response.

9. **Adjournment**

There being no further business to discuss, Mayor Cadden thanked the audience for coming and adjourned the meeting at 4:06 p.m.

Laura Aldrich, Town Clerk

(Approved by the Town Council at the August 25, 2006 meeting)